

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
TELEPHONE: 808-586-1400 FAX: 808-586-1412
EMAIL: oip@hawaii.gov

To: House Committee on Judiciary

From: Cheryl Kakazu Park, Director

Date: January 24, 2012, 2:00 p.m.
State Capitol, Room 325

Re: Testimony on H.B. No. 1611
Relating to the Sunshine Law

Thank you for the opportunity to submit testimony on H.B. No. 1611.

This bill would allow the members of a board subject to the Sunshine Law, part I of chapter 92, Hawaii Revised Statutes, to discuss board business outside a meeting either in the course of attending a public gathering or community event, or while attending professional conferences and seminars. This bill would also reduce the notice period required prior to a meeting from six to four calendar days.

Regarding the shortening of the notice period, OIP recognizes that the six-day period was created before the advent of e-mail as an alternative means to send out a board's notices, and thus reflected the time needed for a notice to arrive in the mail with sufficient time for the recipient to review it and prepare testimony. Clearly, a notice sent by e-mail will arrive faster than a notice sent by mail. However, OIP is concerned that shortening the period to four days based on an assumption of e-mail delivery fails to take into account those persons who still receive notices by mail (as some do, and as this bill would continue to provide for). Given that the notice period is measured in calendar days, meaning that weekend days and holidays count, it seems entirely possible that a notice of a Tuesday

morning meeting mailed on the Friday before a three-day weekend would not reach its intended recipient before the meeting. For this reason, OIP believes that shortening the notice period is premature at this time.

OIP generally supports the concept of adding a permitted interaction allowing less than a quorum of board members to attend conferences or community meeting, which is one of OIP's own proposals, which have been introduced in the House and Senate as part of the Administration's package. OIP also generally supports the concept of specifically recognizing e-mail as an alternate manner of sending notices and agendas to those who have requested notification, which is also included in OIP's bill, along with electronic filing of notices. However, OIP does not support the language of this bill, and would suggest instead the language from OIP's proposals.

Specifically, OIP believes that a permitted interaction to allow attendance at these sorts of events should apply to legislative hearings and meetings of other boards as well as to community meetings or seminars; should be limited to less than a quorum of members, rather than allow all members to attend; should include safeguards to ensure that the event was not set up specifically for the board and that deliberation and decisionmaking are done only at a board meeting; and should require reporting back at a meeting in all cases, not just for attendance at professional seminars. OIP's proposals include these safeguards.

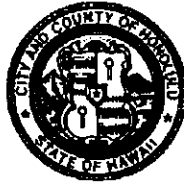
For the e-mail notice provision, OIP's proposals add e-mail notice as an option as part of a broader set of amendments changing the official filing method from paper filing to electronic filing, which this bill would not address.

Thank you for the opportunity to testify.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.gov/pp • CITY WEB SITE: www.honolulu.gov

PETER B. CARLISLE
MAYOR



DAVID K. TANOUE
DIRECTOR

JIRO A. SUMADA
DEPUTY DIRECTOR

January 24, 2012

The Honorable Gilbert S. C. Keith-Agaran, Chair
and Members of the Committee on Judiciary
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran and Members:

Subject: House Bill No. 1611
Relating to the Sunshine Law

The Department of Planning and Permitting **supports** House Bill No. 1611, which allows board members to attend public gatherings, community events, professional-association conferences, and professional-development seminars.

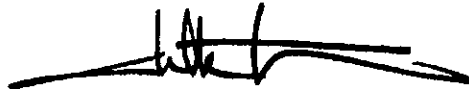
This bill would remove unnecessary barriers that prevent key community leaders from participating in planning for their communities at public information meetings and workshops for the various City plans. Paradoxically, the Sunshine Law, as interpreted, keeps the members of the Neighborhood Boards on Oahu in the dark about what is going on in their communities by limiting their ability to attend meetings discussing the vision and policies that should guide the future of their communities.

The Department supports changes to the law to make it clear that members of advisory boards (i.e., the City's Neighborhood Boards) can individually participate in community meetings and workshops which inform participants about planning issues for their communities and collect input from participants on community concerns, reactions to alternatives, and suggestions how plans and plan implementation can be improved. It is very helpful to have members of the Neighborhood Boards participate individually in community planning meetings and workshops. We don't think that the rights of free speech and assembly should be stripped from citizens who voluntarily provide non-binding advice and recommendations to government as part of advisory boards and groups.

The Honorable Gilbert S. C. Keith-Agaran, Chair
and Members of the Committee on Judiciary
House of Representatives
January 24, 2012
Page 2

Please adopt House Bill 1611. Thank you for this opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read 'David K. Tanoue', with a long horizontal flourish extending to the right.

David K. Tanoue, Director
Department of Planning and Permitting

DT: jmf
hb1611-sunshine-bs.doc



AMERICANS FOR DEMOCRATIC ACTION

| OFFICERS | | DIRECTORS | | MAILING ADDRESS |
|-------------------------------|------------------|------------------|------------------|-------------------------|
| Brien Hallet, President | Nancy Bey Little | Barbara Polk | Guy Archer (Alt) | PO. Box 617 |
| Juliet Begley, Vice-President | John Bickel | Jan Lubin | Josh Frost (Alt) | Honolulu, |
| Fritz Fritschel, Treasurer | Tom Horton | Stephen O'Harrow | Bart Dame (Alt) | Hawai'i 96822 |
| Chuck Huxel, Secretary | Jim Olson | George Simson | Karin Gill (Alt) | Marsha Schweitzer (Alt) |

January 23, 2012

TO: Chair Gilbert Keith-Agaran and Members of the Judiciary Committee
FROM: Barbara Polk, Legislative Chair, Americans for Democratic Action/Hawaii
RE: Opposition to HB 1611 Relating to the Sunshine Law

Americans for Democratic Action oppose the proposed changes to the Sunshine Law. In Section 2, while we are not opposed to multiple members of a board or commission attending various community events or seminars, the language of the bill is too open, potentially allowing the entire board to "jointly attend" such meetings. If the provisions for board members to attend the same meeting are to be loosened, additional language needs to be added, for example, to require that no more than two board members sit together at the meeting and that they may not discuss the topics of the meeting except at a future board meeting.

We also oppose the proposal in Section 3 of this bill to decrease the notification time prior to meetings from six days to four. While we recognize the difficulties of boards and commissions made up of volunteers to agree on an agenda prior to a meeting, we believe it is important that the public receive timely notification. If everyone had a computer, this may be a reasonable proposal. However, not everyone does, so those who did not have a computer would either receive a mailed notice at the last minute or not receive a notice at all. This is not acceptable.

In addition, the wording of the bill in Section 3, 2. (e) would give the board the option of sending a notice via mail or email. This would make it possible for a board discussing a controversial subject to decide to use regular mail rather than email, in hopes of cutting down on public participation.

In summary, we oppose the current form of the bill allowing board members to attend the same meeting, and we oppose the reduction of public notification time prior to a meeting.



LEAGUE OF
WOMEN VOTERS*

49 South Hotel Street, Room 314 | Honolulu, HI 96813
www.lwv-hawaii.com | 808.531.7488 | voters@lwvhawaii.com

TESTIMONY TO HOUSE COMMITTEE ON JUDICIARY OPPOSING HB 1611

We strongly oppose the proposal in Section 3 of HB 1611 to reduce Sunshine Law public notice requirements to 4 days. There simply is no compelling reason to reduce public notice to people who do not have computers or who prefer not to use email.

We also recommend that Section 92-2.5(c) HRS, be amended to read as follows:

"(c) Members of a board may individually or jointly attend public gatherings and community events; provided that the gathering or event does not directly relate to and the members participate in ex parte communications concerning any specific matter over which the board is exercising its adjudicatory, advisory, or legislative function."

Dated: January 24, 2012



House JUD Committee
Chair Gilbert Keith-Agaran, Vice Chair Karl Rhoads

Tuesday 1/24/12 at 2:00PM in Room 325
HB 1611 – Sunshine Law

TESTIMONY
Nikki Love, Executive Director, Common Cause Hawaii

Chair Keith-Agaran, Vice Chair Rhoads, and Committee Members:

Common Cause Hawaii opposes HB 1611, which makes major changes to the Sunshine Law. We strongly oppose the reduction of advance notice of meetings from 6 days to 4 days; and we also have concerns about the sections regarding board members' attendance at other meetings.

ADVANCE NOTICE FOR MEETINGS

We oppose the provision to change the Sunshine Law requirement regarding advance notice for government meetings from 6 days to 4 days. We understand that the current six day notice requirement may be cumbersome at times for government boards, but it is still a very short period of time from the perspective of the public.

For a select few lobbyists or advocates, they might be lucky enough to see the notice as soon as it is posted or distributed via email. But most ordinary citizens do not see these agendas immediately – they find out through word of mouth, from community activists, or perhaps via the news media. This kind of communication takes a few days, at least, and the current six days notice is barely enough to enable that to happen.

The existing six days is also a short period of time for citizens to think about a new issue, discuss it, prepare comments or testimony, and make personal arrangements to attend a meeting – e.g., take time off from work, or arrange childcare. For those who live on a different island from the meeting location and want to participate in person, there is also the matter of travel arrangements. At a reduced lead time of four days, these scenarios become even more difficult.

(continued on next page ...)

Furthermore, the rationale for four days notice relies heavily on the ability of citizens to receive email and check their email frequently. But many citizens do not have email at all, or they may check it infrequently. This is likely to include older generations as well as those who cannot afford internet access or smartphones. For those who continue to receive notices by postal mail, four days is clearly not enough – for example, if the agenda is dropped in the mail just before a weekend or holiday, it is very possible the recipient will not receive it in time.

BOARD MEMBERS ATTENDING OTHER MEETINGS

This bill proposes to allow members of a board to attend public or community events, provided that it “does not directly relate to any specific matter over which the board is currently exercising its adjudicatory, advisory, or legislative function.” This bill also proposes to allow members of a board to attend professional conferences and seminars, provided that they “provide to the board’s presiding officer a report summarizing each conference and seminar within a reasonable period of time.”

We understand the value of having board members participate in public events and professional conferences, especially so that they may hear from the public and learn about relevant topics.

However, much more clarity is needed to ensure this does not become a “loophole” for our Sunshine Law. We are concerned that in both of these scenarios, the board members could end up getting into substantial discussion about matters that should be discussed in a properly noticed public meeting. Perhaps additional limitations can be added, e.g., there should be no direct discussions between board members on board business, and no commitments to vote should be made or sought. Also, regarding the report following a professional conference, we would also suggest a more clear deadline than “within a reasonable period of time” – e.g., no later than 10 days after the conference/seminar, or no later than the next meeting of the board.

Mahalo for the opportunity to submit testimony.

Testimony for HB1611 on 1/24/2012 2:00:00 PM

Testimony for HB1611 on 1/24/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, January 23, 2012 1:52 PM

To: JUDtestimony

Cc: conybeare@msn.com

Testimony for JUD 1/24/2012 2:00:00 PM HB1611

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Chris Conybeare

Organization: Media Council Hawaii

E-mail: conybeare@msn.com

Submitted on: 1/23/2012

Comments:

Dear Committee Members, Shortening the required notice provision is not in the public interest. The public deserves adequate notice and 4 days is not enough. Accordingly, the Media Council Hawaii opposes this legislation! Thank You.

Aloha,

Chris Conybeare

President

Media Council Hawaii

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.maui-county.gov/council

January 23, 2012

TO: The Honorable Gilbert S.C. Keith-Agaran, Chair
House Committee on Judiciary

FROM: Mike White
Council Member

SUBJECT: **HEARING OF JANUARY 24, 2012; TESTIMONY IN SUPPORT OF HB 1611,
RELATING TO THE SUNSHINE LAW**

Thank you for the opportunity to testify in support of amending Hawaii's Sunshine Law, part I of chapter 92. The purpose of this measure is to allow board members to attend public gatherings, community events, professional association conferences, and professional development seminars. It also allows notice of board meetings to be filed at least four calendar days before the meeting and notice of board meetings by e-mail.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

1. At the current time, members who wish to attend public or community meetings are often advised against appearing at the event if two or more members are already in attendance. The proposed amendment clarifies that multiple members are able to attend a public gathering or community event as long as it does not relate to any specific matter over which the board is currently exercising its adjudicatory, advisory or legislative function. These proposed changes will greatly help elected officials to educate themselves on community issues and to facilitate constituent services.
2. The bill also clearly states that members of a board may individually or jointly attend professional association conferences and professional development seminars. Currently, Hawaii's Sunshine Law does not specifically address the ability of board members to attend these events.
3. The measure will also help improve efficiency for both government and the public by allowing agendas to be delivered via e-mail four days prior to meetings.

For the foregoing reasons, I support this measure.

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White



Director of Council Services
Ken Fukuoka

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www.mauicounty.gov/council

January 23, 2012

TO: The Honorable Gilbert S.C. Keith-Agaran, Chair
House Committee on Judiciary

FROM: Danny A. Mateo
Council Chair

SUBJECT: **HEARING OF JANUARY 24, 2012; TESTIMONY IN SUPPORT OF HB 1611,
RELATING TO THE SUNSHINE LAW**

Thank you for the opportunity to testify in support of this important measure. The purposes of this measure are: (1) to expressly allow members of a public policy deliberative body, individually or jointly, to participate in a public gathering or community event unrelated to matters currently under official deliberation or pending action; (2) to expressly allow members of a public policy deliberative body, individually or jointly, to participate in professional association conferences and professional development, provided that a publicly accessible report of their activities is submitted to their presiding officer; and (3) to allow a four-day public notice of scheduled meetings (instead of the current six-day-notice requirement), which can be delivered by electronic mail to interested members of the public upon request.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

1. Public officials are often invited to participate in public gatherings, community events, professional association conferences, professional development activities, and other events. For Maui County Council members, these events may include conferences of the National Association of Counties (NACo) and the Hawaii State Association of Counties (HSAC). Currently, the Sunshine Law does not specifically address the ability of board members to attend these events.
2. This measure will clarify that the joint participation of public officials in these events is permitted as long as conditions are met to ensure that there will be no deliberation on any matter over which the officials' board is currently exercising an adjudicatory function.
3. The measure will improve efficiency for both government and the public by allowing for agendas to be delivered via e-mail four days prior to meetings.

For the foregoing reasons, I support this measure.

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.maui-county.gov/council

January 23, 2012

TO: Honorable Gilbert S.C. Keith-Agaran, Chair
House Committee on Judiciary

FROM: Joseph Pontanilla, Council Vice- Chair

A handwritten signature in cursive script, reading "Joseph Pontanilla", is written over the printed name.

DATE: Tuesday January 24, 2012

SUBJECT: SUPPORT OF HB 1611, RELATING TO THE SUNSHINE LAW

Thank you for the opportunity to testify in support of this measure. I provide this testimony as an individual member of the Maui County Council.

I support HB 1611 for the reasons cited in testimony submitted by Maui County Council Chair Danny A. Mateo and urge you to support this measure.

12:01:23:kbm/JP: HB 1611

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White




Director of Council Services
Ken Fukuoka

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WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

January 23, 2012

TO: Honorable Gilbert S.C. Keith-Agaran, Chair
House Committee on Judiciary

FROM: Robert Carroll
Council Member, East Maui 

DATE: January, 23, 2012

SUBJECT: **Hearing of January 24, 2012; Testimony in SUPPORT of HB 1611, RELATING TO Relating to the Sunshine Law**

Thank you for the opportunity to testify on this important measure. The purpose of this measure are (1) to expressly allow members of a public policy deliberative body, individually or jointly, to participate in a public gathering or community event unrelated to matters currently under official deliberation of pending action; (2) to expressly allow members of a public policy deliberative body, individually or jointly, to participate in professional association conferences and professional development, provided that a publicly accessible report of their activities is submitted to their presiding officer; and (3) to allow a four day public notice of scheduled meetings (instead of the current six-day-notice requirement), which can be delivered by electronic mail to interested members of the public upon request.

I support this measure for the following reasons:

1. Public officials are often invited to participate in public gatherings, community events, professional association conferences, professional development activities, and other events. For Maui County Council members, these events may include conferences of the National Association of Counties (NACo) and the Hawaii State Association of Counties (HSAC). Currently, the Sunshine Law does not specifically address the ability of board members to attend these event.
2. This measure will clarify that the joint participation of public officials in these events is permitted as long as conditions are met to ensure that there will be no deliberation on any matter over which the officials' board is currently exercising an adjudicatory function.
3. The measure will improve efficiency for both government and the public by allowing for agendas to be delivered via e-mail four days prior to meetings.

For the foregoing reasons, I support this measure.

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
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WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

January 20, 2012

TO: The Honorable Gilbert S.C. Keith-Agaran, Chair
Committee on Judiciary

FROM: Don Couch
Council Member, South Maui District

A handwritten signature in black ink, appearing to be "Don Couch", is written over the "FROM:" line.

DATE: January 20, 2012

SUBJECT: **SUPPORT OF HB1611, RELATING TO THE SUNSHINE LAW**

As indicated by Maui County Council Chairman Danny Mateo, I, too, **support** the intent of this measure for the following reasons:

1. Public officials are often invited to participate in public gatherings and community events.
2. Currently, the Sunshine Law does not specifically allow two or more members of a board to attend these gatherings and events.
3. This measure will clarify that the joint participation of public officials in these gatherings and events can be permitted as long as conditions are met.

I have one concern about the measure's language. It allows for public officials to jointly attend a public gathering or community events *only* if the gathering or event "does not directly relate to any specific matter over which the board is currently exercising its adjudicatory, advisory, or legislative function." Because there are always dozens of bills and resolutions pending before county councils – and many of the bills and resolutions cover broad subject matter (such as the county general plans) – **this limitation would effectively prevent council members from attending most public gatherings and community events**, thus defeating this measure's intent. Moreover, for educational purposes (or, as Section 92-2.5(a) states "*to enable them to perform their duties faithfully*"), it is especially important for Council members to attend gatherings and events when the subject matter *does* address currently pending matters.

Therefore, I would like to propose that the text referenced above be deleted and replaced with a more appropriate limitation, using text already in use elsewhere in the Sunshine Law.

Specifically, my proposed amendment is as follows:

- Strike the following text after the semicolon in section 92-2.5(c): "provided that the public gathering or community event does not directly relate to any specific matter over which the board is currently exercising its adjudicatory, advisory, or legislative function."
- Replace the struck text with the following: "if reasonably necessary to enable them to perform their duties faithfully and as long as no commitment to vote is made or sought."

HB 1611 - Testimony in Support

Kama Hopkins [kamakane73@gmail.com]

Sent: Tuesday, January 24, 2012 8:54 AM

To: JUDtestimony

HOUSE OF REPRESENTATIVES

THE TWENTY-SIXTH LEGISLATURE

REGULAR SESSION OF 2012

COMMITTEE ON JUDICIARY

Rep. Gilbert S.C. Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

Rep. Tom Brower
Rep. Rida T.R. Cabanilla
Rep. Mele Carroll
Rep. Denny Coffman
Rep. Robert N. Herkes
Rep. Ken Ito
Rep. Sylvia Luke

Rep. Angus L.K. McKelvey
Rep. Joseph M. Souki
Rep. Clift Tsuji
Rep. George R. Fontaine
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

NOTICE OF HEARING

DATE: Tuesday, January 24, 2012
TIME: 2:00 PM
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

Kama Hopkins
Commissioner-Oahu
Hawaiian Homes Commission

HB 1611- Testimony in Support

Aloha Chair Keith-Agaran, Vice Chair Rhoads and members of the House Committee on Judiciary,

HB 1611 - Testimony in Support

As a member of the Hawaiian Homes Commission, I see the importance of the passage of this Bill. This will allow members of State Boards, Commissions and Councils to go forward and gather in with the community at special community events or functions and attending professional conferences without worrying about breaking the law.

Mahalo for the opportunity to testify.

PETER L. FRITZ
414 KUWILI STREET, #104
HONOLULU, HAWAII 96817
E-MAIL: PLFLEGIS@FRITZHQ.COM

HOUSE OF REPRESENTATIVES
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

COMMITTEE ON COMMITTEE ON JUDICIARY

Hearing Date: January 24, 2012
Testimony on S.B. 1611
(Relating to The Sunshine Law)

Chair Keith-Agaran, Vice-Chair Rhodes, and members of the Committee, thank you for the opportunity to testify **in opposition to the some of the provisions in House Bill 1611**. The provisions that I oppose would reduce the time for filing of the notice and agenda for a meeting covered by The Sunshine Law from six days to four days. I also oppose to the provisions, in the bill as currently drafted, that would permit the sending of notices of meetings by e-mail to individuals who had previously notified the board that they wanted to receive such the notices and agendas by mail. My testimony draws upon on my experience gained complying with The Sunshine Law when I was the Chairperson of the Disability and Communications Access Board. I am testifying in my personal capacity.

I support The Sunshine Law because I believe that in order to hold government accountable for its actions, citizens must know what those actions are. To that end, they must insist that government act openly and transparently to the greatest extent possible. Shortening the time required for posting the notice of a meeting and an agenda and the time to mail a notice to individuals who had previously requested that such notices be mailed to them reduces transparency by reducing the time available for the public to learn of the meeting and by setting a time period that will more likely than not result in the receipt of mail containing the notice and agenda after the meeting has occurred.

I am opposed to reduction of the time for filing a notice of a meeting from six days to four days and allowing the notice to be sent to individuals who have requested that notices of meeting sent to them by e-mail for the following reasons:

- Reducing the time to post a notice of a meeting to four days reduces transparency because it reduces the amount of advanced notice of the meeting which may result in lower attendance at the meeting. For example, if the provision for a four day advanced notice is adopted for a meeting on a Tuesday would be posted on a Friday. Because of the weekend, the effective prior notice of the meeting would be two days. If the notice period is to be reduced, it should be reduced to four business days.
- Four days is not sufficient time for an individual to receive a notice by mail. A notice given to the mail room on a Friday may not be mailed until Monday and

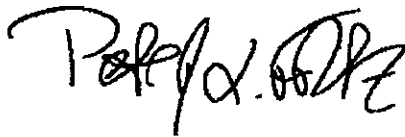
Testimony of Peter L Fritz
on H.B. 1611
Committee on the Judiciary
Hearing: January 24, 2012

more likely than not, would not reach the individual in time for a Tuesday meeting.

- Four days may not provide adequate time for a board or commission to make accommodations for individuals with disabilities. The Department of Taxation has required individuals to provide 5 business days advanced notice of the need for an accommodation of their disability. A four day notice requirement may not provide sufficient time to accommodate a disability.
- It is likely that the notice of the meeting and the agenda that are attached to the e-mail will not be accessible to recipients with disabilities. This was the situation with the copy of the State Plan provided for a meeting by the Division of Vocational Rehabilitation and the copy of proposed rules promulgated by the Hawaii Civil Rights Commission for its hearing on the rules.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "Peter L. Fritz", with a stylized, cursive script.

Peter L. Fritz

Re HB1611 Sunshine law

January 23, 2011

Aloha,

The current proposal to reduce from 6 to 4 the number of days prior to a hearing to give notice to the public does not serve the people's interests. We need six days to allow interested citizens to plan to attend and submit testimony.

Reducing the number of days notice reduces the people's access to our democratic process. This is supposed to be a government of, by, and for the people; thank you for refusing to limit our access to it.

Aloha,
Laurie Baron
Honolulu

Testimony for HB1611 on 1/24/2012 2:00:00 PM

Testimony for HB1611 on 1/24/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, January 23, 2012 6:49 AM

To: JUDtestimony

Cc: rkaye@mdi.net

Testimony for JUD 1/24/2012 2:00:00 PM HB1611

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Robin Kaye

Organization: Individual

E-mail: rkaye@mdi.net

Submitted on: 1/23/2012

Comments:

Shortening the time allotted for advance notice is absolutely the wrong move in our ever-diminishing efforts to involve the public in governmental decisions. This is particularly egregious for neighbor island residents, who often need extra time to make travel and housing arrangements -- a particularly challenging situation on Lana'i. The new legislation says: "The six-day-notice requirement is antiquated, excessive, and unduly slows the deliberative process, causing the public to lose faith in government. Establishing a four-day-notice requirement and allowing for the delivery of agendas by e-mail would afford state and county boards the ability to act more quickly and effectively, while preserving the public's right to know." That is patently untrue. Reducing the time for advance notice diminishes the public's right to know. This bill is anti-democracy and should be defeated.

Testimony for HB1611 on 1/24/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, January 23, 2012 9:01 AM

To: JUDtestimony

Cc: anniekamiya@mac.com

Testimony for JUD 1/24/2012 2:00:00 PM HB1611

Conference room: 325

Testifier position: Comments Only

Testifier will be present: No

Submitted by: Annie Kamiya

Organization: Individual

E-mail: anniekamiya@mac.com

Submitted on: 1/23/2012

Comments:

As a social worker and social justice advocate I oppose the current updates to the Sunshine Law allowing a reduction to the advance notice for all government meetings to only 4 calendar days before the meeting,. This is not sufficient lead time for our community members and citizens to get the word out, prepare comments, and make arrangements so that they can attend these meetings. Six days is still too short but I will take keeping the law as is before reducing this time. This reduction in time unfairly penalizes certain members of our communities who may not have adequate access to childcare or transportation, or who may need advance notice with their employers. In addition, if a government agency decides to post a notice for meeting on Friday, and that meeting falls on Monday, this gives zero time for community members to prepare, gather information and resources, find constituents to attend. Please reconsider changing this law and allow the six day notice requirement currently in place, to continue to be stand.

Oppose HB 1611

Oppose HB 1611

ndavlantes@aol.com [ndavlantes@aol.com]

Sent: Monday, January 23, 2012 12:53 PM

To: JUDtestimony

While I appreciate that state and county boards can now provide information via email, this is no reason to lower the notice requirement from 6 to 4 days.

Believe me, the 6-day notice requirement is not the reason people have lost faith in government, and there are still many people who want to remain involved but do not use email.

A sunshine law has no business inhibiting in any way, such as the length of notice requirement, the active participation of citizens in their neighborhood and county board and council meetings.

Thank you for the opportunity to submit testimony.

Nancy Davlantes
45-571 Awanene Place, Apt. A
Kaneohe, HI 96744

ndavlantes@aol.com

Testimony for HB1611 on 1/24/2012 2:00:00 PM

Testimony for HB1611 on 1/24/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, January 23, 2012 2:59 PM

To: JUDtestimony

Cc: jyohta@hawaii.rr.com

Testimony for JUD 1/24/2012 2:00:00 PM HB1611

Conference room: 325

Testifier position: Oppose

Testifier will be present: Yes

Submitted by: Jeanne Ohta

Organization: Individual

E-mail: jyohta@hawaii.rr.com

Submitted on: 1/23/2012

Comments:

I oppose reducing the requirement for notices from 6 calendar days to 4 days. Four days is not sufficient time to notify interested citizens, agencies, and other groups of a meeting. Please consider that notice could be given late on a Friday afternoon, then Saturday and Sunday would be counted as "advance notice days," hampering organizations that do not work on weekends.

Testimony for HB1611 on 1/24/2012 2:00:00 PM

Testimony for HB1611 on 1/24/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, January 23, 2012 4:32 PM

To: JUDtestimony

Cc: brenching@juno.com

Testimony for JUD 1/24/2012 2:00:00 PM HB1611

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Brenda Ching

Organization: Individual

E-mail: brenching@juno.com

Submitted on: 1/23/2012

Comments:

If you want citizen participation, extend the number of days instead of reducing them. I suggest a change from six to ten days.

Testimony for HB1611 on 1/24/2012 2:00:00 PM

Testimony for HB1611 on 1/24/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, January 24, 2012 8:46 AM

To: JUDtestimony

Cc: ptummons@gmail.com

Testimony for JUD 1/24/2012 2:00:00 PM HB1611

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Patricia Tummons
Organization: Individual
E-mail: ptummons@gmail.com
Submitted on: 1/24/2012

Comments:

Aloha,

I wish to comment only on the portion of this bill that would shorten the notification time for meetings. My testimony is in opposition to this.

Shortening the notice time by two days puts neighbor island residents, such as myself, at a disadvantage. If we wish to attend a meeting in Honolulu, where most state boards and commissions routinely meet, we need to make arrangements for air travel, and the sooner we are able to make these bookings, the better.

A four-day notice requirement would make it all the more difficult, and probably even more costly, for us to participate in or observe the deliberations of these bodies.

Thank you very much for your consideration of my testimony.

Sincerely,

Patricia Tummons

Testimony for HB1611 on 1/24/2012 2:00:00 PM

Testimony for HB1611 on 1/24/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, January 24, 2012 12:24 AM

To: JUDtestimony

Cc: precis@lava.net

Testimony for JUD 1/24/2012 2:00:00 PM HB1611

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: R. Elton Johnson, III

Organization: Individual

E-mail: precis@lava.net

Submitted on: 1/24/2012

Comments:

Thank you for the opportunity to testify. I oppose HB 1611 in its current form. The people need sufficient time to participate in the legislative process. It is certainly not in the public interest to shorten that time further. Contrary to the language of this bill, 6 days is not excessive. It makes it more likely that Hawai'i's people will be able to express their views within the deliberative process of their local government. Having those 6 days does not lead to people losing faith in their government. On the contrary, it assures them that their input is valued. Thank you.

Testimony for HB1611 on 1/24/2012 2:00:00 PM

Testimony for HB1611 on 1/24/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, January 24, 2012 6:59 AM

To: JUDtestimony

Cc: lalanuss@yahoo.com

Testimony for JUD 1/24/2012 2:00:00 PM HB1611

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Laurien Helfrich-Nuss

Organization: Individual

E-mail: lalanuss@yahoo.com

Submitted on: 1/24/2012

Comments: